

REMARKS

Claims 1-8 are all the claims pending in the application, new claim 8 having been added as indicated herein. Claims 1-6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Takei et al. (U.S. Patent No. 5,785,024) in view of Ito et al. (U.S. Patent Application Publication No. 2002/0139873) and Freyn (U.S. Patent No. 4,203,402). Claim 7 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable Takei, Ito and Freyn as applied to claim 1, and further in view of Takahashi et al. (U.S. Patent No. 6,269,798).

§ 103(a) Rejections (Takei / Ito / Freyn) - Claims 1-6

The Examiner rejects claims 1-6 for the reasons set forth on page 2 of the present Office Action.

With respect to independent claim 1, Applicant submits that none of the applied references, either alone or in combination, teaches or suggests the unique combination of limitations set forth in claim 1, including at least, “a resin flat surface portion of a predetermined configuration formed on an outer peripheral surface of a resin portion...” and “wherein the constraining portion of the retainer ... is engaged with the resin flat surface portion to thereby restrict rotation of the fuel injection valve around an axis,” as recited in amended claim 1. That is, none of the applied references, either alone or in combination, teaches or suggests a component that corresponds to the claimed resin flat surface portion nor that a constraining portion of a retainer is engaged therewith. Therefore, at least based on the foregoing, we would argue that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that dependent claims 2-3¹ and 5-6 are patentable at least by virtue of their respective indirect or direct dependency from independent claim 1.

With respect to claim 4, Applicant amends this claim to place it in independent form, and submits that the applied references, either alone or in combination, do not teach or suggest, “wherein the retainer is formed of an elastic material,” as recited in claim 4. The Examiner alleges that the C-shaped clamp of Takei is metal and therefore is “elastic to at least some degree.” *See page 2 of Office Action.* However, in response, Applicant submits that the Examiner has not shown that metal is considered to be elastic (e.g., capable of recovering size and shape after deformation), and specifically, nowhere do any of the applied references indicate that a component that allegedly corresponds to the claimed retainer would be elastic. Therefore, Applicant submits that independent claim 4 is patentably distinguishable over the applied references, either alone or in combination.

§ 103(a) Rejections (Takei / Ito / Freyn / Takahashi) - Claim 7

Applicant submits that claim 7 is patentable at least by virtue of its indirect dependency from independent claim 1. Takahashi does not make up for the deficiencies of the other applied references.

Finally, Applicant adds new dependent claim 8 to provide a varying scope of coverage. Applicant submits that this new claim 8 is patentable at least by virtue of its dependency from independent claim 4.

¹ Claim 3 is amended for consistency purposes.

AMENDMENT UNDER 37 C.F.R. §1.111
U. S. Application No. 10/784,824

ATTORNEY DOCKET NO. Q79443

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

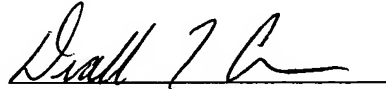
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